

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

BILLY JESSIE, )  
                    )  
Plaintiff,       )  
                    )  
v.                  )              Case No. 4:10-cv-01292-RBP-RRA  
                    )  
RICHARD ALLEN, et al., )  
                    )  
Defendants.       )

ORDER

The magistrate judge filed a report and recommendation on September 24, 2010, recommending that all claims in this action, except the excessive force claim against Sgt. S. Freeman, be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). Although the plaintiff was advised of his right to file specific written objections within fifteen days, he has not responded to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of the plaintiff's claims in this action, except the excessive force claim against Sgt. S. Freeman, are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A(b)(1).

DATED this 15<sup>th</sup> day of November, 2010.



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ROBERT B. PROPST  
UNITED STATES DISTRICT JUDGE